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10/784,638

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R. Clarkson Griffin

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EXAMINER

GOINS, DAVETTA WOODS

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/784,638

Applicant(s)

GRIFFIN ET AL

Examiner

Davetta W. Goins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menard et al. (US Pat. 6,563,910 B2) in view of Hapka (US Pat. 5,619,412).

In reference to claims 1, 7, Menard discloses the claimed computer on board the vehicle, communication system linked to the onboard computer, and the communications system is capable of communicating to a remote control center by way of telecommunications link, which is met by vehicle equipped with GPS receiver and digital data transmitter, and vehicle theft detector. The GPS receiver and digital data transmitter as well as theft detectors are used to produce a wireless signal that is to be received by a central station (col. 8, lines 21-67), and the claimed onboard computer includes a means for acting on a shutdown command from the call center, which is met by a police office or one at the central station is capable of pursuing a stolen vehicle by transmitting a command signal using a website to disable the vehicle (col. 9, lines 1-16). Although Menard does not specifically disclose and means for interrupting a throttle command signal generated by a throttle position sensor, he does disclose that the signal sent to disable the vehicle is used to terminate the fuel flow, unpower the engine ignition system, or disable any other system in the vehicle (col. 9, lines 1-16). Hapka discloses a remote control

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system that allows a remote user to enable or disable an engine idle shutdown device 2 attached to the vehicle's engine 3. Specifically, the vehicle's device 2 includes an electronic control module 34 that monitors the throttle, clutch and service brake for activity and engine speed and change in engine idling activity (col. 5, lines 1-31). Since Menard discloses a system that disables the vehicle by unpowering the engine ignition system, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of including a throttle sensor, as disclosed by Hapka, to monitor the idling state of the vehicle prior to disabling the vehicle as a cautionary measure to allow the vehicle to come to a slow and safe stop without endangering the driver nor any nearby drivers.

In reference to claim 2, Menard discloses the claimed communications system includes a wireless modem, which is met by wireless link 145 (col. 5, lines 12-21).

In reference to claims 3-5, Menard discloses the claimed onboard computer including an Internet connection and web server with a web page, which is met by the user is capable of monitoring the vehicle via Internet that can be accessed from a database posted on the web and monitor at a web site (col. 8, lines 46-67).

In reference to claim 6, Menard discloses the claimed vehicle disable system further including at least one of a voice input link, or keyboard unit, which is met by the website including a URL allowing for entry of data via keyboard or voice recognition (col. 9, lines 17-29).

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In reference to claim 8, Menard discloses the claimed serial communications link, which is met by wired communication line (col. 5, lines 29-50).

In reference to claim 24, although Menard does not specifically disclose the claimed method of forcing the engine into an idle mode including serially communicating with a throttle relay, he does disclose that the signal sent to disable the vehicle is used to terminate the fuel flow, unpower the engine ignition system, or disable any other system in the vehicle (col. 9, lines 1-16). Hapka discloses a remote control system that allows a remote user to enable or disable an engine idle shutdown device 2 attached to the vehicle's engine 3. Specifically, the vehicle's device 2 includes an electronic control module 34 that monitors the throttle, clutch and service brake for activity and engine speed and change in engine idling activity (col. 5, lines 1-31). Since Menard discloses a system that disables the vehicle by unpowering the engine ignition system, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of including a throttle sensor, as disclosed by Hapka, to monitor the idling state of the vehicle prior to disabling the vehicle as a cautionary measure to allow the vehicle to come to a slow and safe stop without endangering the driver nor any nearby drivers.

3. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menard et al. in view of Issa (US Pat. 5,945, 936).

In reference to claims 19-22, although Menard does not disclose the claimed driver transmitting a signal by way of using an input device to input an ID number that is reassigned from time to

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time using a rolling code algorithm, he does disclose a vehicle equipped with GPS receiver and digital data transmitter, and vehicle theft detector. The GPS receiver and digital data transmitter as well as theft detectors are used to produce a wireless signal that is to be received by a central station (col. 8, lines 21-67). Issa discloses vehicle that can be controlled remotely for purposes of disabling the system. The vehicle's system can make transmissions to a remote location including codes referred to as "rolling codes" or "hopping codes" (col. 8, lines 32-46). Since Menard and Issa disclose systems that transmission of signals wirelessly including data information that is sent to a monitoring station, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of using rolling codes with the signal, as disclosed by Issa, with the system of Menard, in an attempt to make the transmissions illusive and more secure.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 9-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Menard et al.

In reference to claims 9, 17, 18, 23, Menard discloses the claimed method of receiving information into a control center, and sending form the control center, by way of a wireless

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communication, as shut down command to a vehicle disable system mounted in the vehicle, and conducting a shut down procedure whereby the vehicle is placed in an idle mode, which is met by vehicle equipped with GPS receiver and digital data transmitter, and vehicle theft detector.

The GPS receiver and digital data transmitter as well as theft detectors are used to produce a wireless signal that is to be received by a central station (col. 8, lines 21-67), and the claimed onboard computer includes a means for acting on a shutdown command from the call center, which is met by a police office or one at the central station is capable of pursuing a stolen vehicle by transmitting a command signal using a website to disable the vehicle (col. 9, lines 1-16). A signal is sent to disable the vehicle is used to terminate the fuel flow, unpower the engine ignition system, or disable any other system in the vehicle (col. 9, lines 1-16).

In reference to claim 10, Menard discloses the step of sending information is over the internet, which is met by the user is capable of monitoring the vehicle via Internet that can be accessed from a database posted on the web and monitor at a web site (col. 8, lines 46-67).

In reference to claim 11, Menard discloses the claimed step of receiving information into a control center includes receiving information from a vehicle operator, which is met by the user accessing website URL and accessing or entering data by using a keyboard or voice recognition software (col. 9, lines 17-29).

In reference to claim 12, Menard discloses the claimed step of receiving information form a GPS sensor mounted on the vehicle, which is met by a GPS receiver and digital data transmitter as

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well as theft detectors are used to produce a wireless signal that is to be received by a central station (col. 8, lines 21-67)

In reference to claim 13, Menard discloses the claimed GPS communication takes place over the internet, which is met by the GPS receiver provides a stream of real time data that can be accessed by the Internet (col. 8, lines 35-67).

In reference to claims 14-16, Menard discloses the claimed receiving information including downloading to the control center a predetermined protocol defining vehicle and further including downloading vehicle routing information to the vehicle security system, and comparing the downloaded vehicle routing information collected by the GPS system, which is met by link 125 also provides the communication channel by which service provider 150 receives the network address for the database associated with a particular emergency event. In one embodiment, network 140 employs "pull" technology, in which case, link 125 provides notification to service provider 150 that data is available for pulling, or "downloading", from the network. In one embodiment, network 140 employs "push" technology, in which case, data posted by PSAP 120 is sent to service provider 150 without service provider 150 first submitting a request for data. In one embodiment, the data is pushed to service provider 150 periodically, sporadically, or on an as needed basis (col. 5, lines 29-50).

6. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure as follows. Harvey et al. (US Pat. 6,556,899 B1), Bristow et al. (US Pat. 6,810,244 B2), and Ligoci, Sr. et al. (US Pat. 6,873,246 B1), which disclose vehicle monitoring systems



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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 571-272-2957. The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D.W.G.  
June 27, 2005

Davetta W. Goins  
Primary Examiner  
Art Unit 2632